

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEPHEN HALL,

Plaintiff,

v.

Case No. 08-14709

MILLICENT WARREN, KATHERINE
CORRIGAN, GERALDINE WILSON,
MICHAEL MARKEE, FRED FOLTS,
and JOSEPH R. BURTCH, M.D.,

HONORABLE AVERN COHN

Defendants.

**ORDER DENYING AS MOOT PLAINTIFF'S MOTION FOR RELIEF FROM
JUDGMENT**

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff claimed that defendants violated his constitutional rights by unreasonably exposing him to environmental tobacco smoke ("ETS") while incarcerated at the Thumb Correctional Facility.¹ The matter was referred to a magistrate judge for all pre-trial proceedings who recommended that all defendant except Folts be dismissed. See Report and Recommendation filed August 7, 2009. Folts objected. Plaintiff did not timely object. The Court adopted the recommendations of the magistrate judge in part and dismissed the entire case. See Order filed September 21, 2009. On September 21, 2009, plaintiff filed a "Motion for Time Enlargement (Extension)" - requesting additional time to file objections to the MJRR and a "Motion for Additional Length of Response" - requesting

¹Plaintiff is currently incarcerated at Parnall Correctional Facility.

additional pages for objections and attaching his objections. The Court considered plaintiff's objections, construed them as a motion for reconsideration, and denied the motion. See Order filed September 25, 2009.

Meanwhile, on October 1, 2009, plaintiff filed a "Motion for Relief from Judgment (Dkt. # 50) - asking the Court to consider his objections. It appears that plaintiff's motion was prepared prior to receipt of the Court's September 25, 2009 order. Because the Court has given plaintiff the relief he requests - consideration of his objections - the motion is DENIED AS MOOT.

SO ORDERED.

s/ Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: October 14, 2009

I hereby certify that a copy of the foregoing document was mailed to Stephen Hall, 434965, Parnall Correctional Facility, 1790 E Parnall, Jackson, MI 49201-7139 and the attorneys of record on this date, October 14, 2009, by electronic and/or ordinary mail.

s/ Julie Owens
Case Manager, (313) 234-5160